

**PUBLIC COMMENT on PROPOSED BUILDING STANDARDS**  
For Publication in Title 24, California Code of Regulations

See instructions for completing this form on Page 2.

Commenter Contact Information	
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Proposed Building Standard	
Title 24 Part #: (select one)	<u>Part 2</u> Section #: <u>Table 1004.5</u>
Proposing State Agency	<u>Office of the State Fire Marshal</u>
This comment is intended for review during: (select one)	<input type="radio"/> Code Advisory Committee <input checked="" type="radio"/> 45-Day Comment Period <input type="radio"/> 15-Day Comment Period <input type="radio"/> Commission Meeting
Your recommendation based on the criteria of Health and Safety Code Section 18930(a) printed on the back of this form is: (select one)	
<input type="radio"/> Approve	<input checked="" type="radio"/> Disapprove
<input type="radio"/> Further Study Required	<input type="radio"/> Approve as Amended

**In support of your recommendation above, provide the rationale based on the criteria of Health and Safety Code Section 18930(a) printed on the back of this form. If you recommend anything other than approve, cite the criteria in your comment. If you oppose a proposed building standard, offer a solution or alternative for the state agency to consider. Please use separate pages if your comment does not fit in this space.**

See attached page for comments on OSFM Item 3, Table 1004.5 Occupant load for detention facilities.

<b>Attachments?</b> <input checked="" type="checkbox"/> Check if you have attached additional pages. The number of pages attached is: <u>1</u>
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<b>For CBSC Office Use Only</b> Date Received: _____ Rulemaking Item #: _____
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### Instructions for completing this form

1. Use of this form is optional. It helps CBSC and other state proposing agencies to correctly administer your comments.
2. For matters to be considered at a public CBSC Code Advisory Committee (CAC) meeting, written comments should be received at least seven days before the scheduled meeting.
3. For matters subject to a 45-Day or 15-Day public comment period announced by a Notice of Proposed Action (NOPA), written comments **must be received** on or before the close of the comment period identified in the NOPA.
4. Separate comment forms are necessary for CAC and public comment periods.
5. Separate comment forms are necessary for each state agency proposal.
6. This form is available in fill-and-print format at the CBSC website, [www.bsc.ca.gov](http://www.bsc.ca.gov), for you to complete and submit electronically. Or print a blank form and type or complete by hand. You may attach additional pages if necessary.
7. Submit comments to CBSC, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833-2936, or by email to [cbsc@dgs.ca.gov](mailto:cbsc@dgs.ca.gov). Please do not fax comments.
8. Written and oral comments may also be provided at CBSC public meetings to consider the proposed building standards.

***For assistance, call CBSC at (916) 263-0916 or email [cbsc@dgs.ca.gov](mailto:cbsc@dgs.ca.gov).***

### **Building Standards Nine-Point Criteria. Health and Safety Code Section 18930(a) reads:**

**(a)** Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:

- (1)** The proposed building standards do not conflict with, overlap, or duplicate other building standards.
- (2)** The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
- (3)** The public interest requires the adoption of the building standards. The public interest includes, but is not limited to, health and safety, resource efficiency, fire safety, seismic safety, building and building system performance, and consistency with environmental, public health, and accessibility statutes and regulations.
- (4)** The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
- (5)** The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
- (6)** The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
- (7)** The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
  - (A)** If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
  - (B)** If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
- (8)** The format of the proposed building standards is consistent with that adopted by the commission.
- (9)** The proposed building standard, if it promotes fire and panic safety, as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.

**OSFM Item 3 – add Table 1004.5 for detention facilities. This was disapproved by BFO**

This item was disapproved by the by the BFO Advisory Committee for lack of justification to add a whole new table of occupant load factors for detention facilities where 3 of the 5 values are already in the 2018 Table 1004.5. Also, It was not demonstrated what in a dentition facility required changing the value for classrooms, from 15sf/occ to 20 sf/occ, which is in the current model code?

In the 45-day package the response by the OSFM was to remove redundant items. Although the redundant values have been removed, additional values have been added with no justification or reasoning. The new values for Secure Interview Rooms, Refuge Areas, Enclosed Yard or Court were not presented as part of the original package. Establishing a 6 SF net for Refuge Areas, whatever a refuge area is (not defined?) and 3 SF net for Courts and Yards appears excessive. A 1,000 SF court or yard would have a tabulated 333+ occupants. Nothing in the current code has that type of occupant load factor. This code change will required additional exit elements within a detention facility, requiring more exits and exit width. Why are more exit elements required, is there a current problem with exiting within a detention facility? Take into account that egress within a detention facility is so controlled and confined, additional exit elements does not appear to be justified.

The introduction of new material, not part of the original package, into the code change should not be permitted as proper for the public to be able to review and comments. All of the new material should not be permitted, because of insufficient time for public review and comment.

This item should be disapproved and not brought forward, Criterion 4 and 7.

Kerwin Lee, AIA  
Member of the BFO Advisory Committee